

Serial No. 09/593,573

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<u>In Re Application of</u>	:	December 17, 2010
<u>O. Casile, et al</u>		Group Art No. 2623
<u>Serial No. 09/593,573</u>		Examiner: A.Q. Shang
<u>Filed: June 14, 2000</u>		for IBM Corporation
<u>Anne Vachon Dougherty</u>		
<u>Title: SYSTEM AND METHOD FOR THE</u>		3173 Cedar Road
<u>COORDINATION OF SHORT-TERM</u>		Yorktown Heights,
<u>CYCLIC DATA AND EPHEMERAL</u>		New York 10598
<u>CONTENT IN A BROADCAST STREAM</u>		

Commissioner for Patents  
Alexandria, VA 22313-1450

**AMENDMENT AFTER DECISION ON APPEAL**

Dear Sir:

Pursuant to the Decision on Appeal dated November 11, 2010 for the referenced application, Applicants herein submit the following:

**Amendment to the claims** as set forth in the Listing of Claims which begins on page 2; and

**Remarks** which begin on page 8.

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LISTING OF CLAIMS

1. (previously presented) A method for providing secondary content related to primary content in a broadcast stream comprising the steps of:

obtaining secondary content which relates to the main primary content;

creating a schedule for cyclic delivery of said secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and

cyclically delivering said secondary content based on said schedule.

2. (original) The method of Claim 1 wherein said scheduling comprises creating a schedule for a first delivery of said secondary content prior to delivery of the primary content and at least one successive delivery of said secondary content after commencement of delivery of the primary content.

3. (original) The method of Claim 2 further comprising dynamically modifying said schedule.

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4. (original) The method of Claim 3 wherein said dynamically modifying the schedule comprises adjusting the schedule based on viewer interaction with said secondary content.

5. (original) The method of Claim 1 further comprising generating at least one viewer request for retransmission automatically at viewer's equipment.

6. (original) The method of Claim 5 further comprising receiving said at least one viewer request for retransmission of said secondary content and responding to said at least one viewer request.

7. (original) The method of Claim 5 wherein the automatic generating of at least one viewer request for retransmission from viewer's equipment comprises generating at least one viewer request for retransmission based on at least one of viewer profile information and viewer interaction.

8. (original) The method of Claim 6 wherein said responding to said at least one viewer request for retransmission comprises rebroadcasting the secondary content.

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9.(original) The method of Claim 8 further comprising counting the number of viewer requests for retransmission of secondary content and wherein said rebroadcasting is conducted upon receipt of a threshold number of viewer requests for retransmission.

10. (original) The method of Claim 6 wherein said responding to said at least one viewer request comprises narrowcasting the secondary content.

11. (original) The method of Claim 1 additionally comprising displaying notification data for notifying the viewer of said delivering of secondary content.

12.(original) The method of Claim 1 wherein the transport mechanism for said primary content is an analog television broadcast stream, and the transport mechanism for the secondary content comprises a vertical blanking interval within said analog television broadcast stream.

13. (original) The method of Claim 1, wherein the transport mechanism for said primary content is a digital television broadcast stream, and the transport mechanism for the

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secondary content is an additional data stream within said digital television broadcast stream.

14. (original) The method of Claim 1, wherein the secondary content comprises content for use by an interactive television application.

15. (original) The method of Claim 1 wherein the secondary content comprises an interactive television application.

16. (original) The method of Claim 1 additionally comprising providing control information with said secondary content.

17. (original) The method of Claim 16 wherein said providing control information comprises including at least one of a unique identifier for said secondary content, an identification of said primary content to which the secondary content pertains, scheduling information for future broadcasting of secondary content, and timing information regarding relating said secondary content to said primary content.

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18. (original) The method of Claim 5 further comprising selectively transmitting said at least one viewer request.

19. (previously presented) A system for providing secondary content related to primary content in a broadcast stream comprising:

an authoring station for creating a schedule for cyclic delivery of said secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and

a broadcast component for cyclically delivering said secondary content based on said scheduling.

20. (original) The system of Claim 19 wherein said broadcast component further comprises means for generating at least one additional retransmission of said secondary content in response to at least one request.

21. (original) The system of Claim 20 wherein said means for generating at least one additional retransmission comprises means for transmitting said secondary content over a telephone transmission channel.

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22. (original) The system of Claim 20 wherein said means for generating at least one additional retransmission comprises means for transmitting said secondary content over a coaxial cable.

23. (original) The system of Claim 20 wherein said means for generating at least one additional retransmission comprises means for transmitting said secondary content over a wireless return channel.

24. (canceled)

25. (canceled)

26. (original) The apparatus of Claim 24 additionally comprising a request component for generating a request for retransmission of said secondary content from said broadcast location.

27-30. (canceled)



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**REMARKS**

In the Decision on Appeal dated November 18, 2010, the Board of Patent Appeals and Interferences (BPAI) rendered a decision regarding the pending claims, Claims 1-24 and 26 of the present application.

The BPAI affirmed the Examiner's rejection of Claim 24. By the present Amendment, Applicants cancel Claim 24.

The BPAI reversed the Examiner's rejections of Claims 1-23 and 26. Based on the Decision on Appeal, Applicants respectfully request that Claims 1-23 and 26 be passed to issuance.

Respectfully submitted,  
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